

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/541,292 Confirmation No. 6373
Applicant : Pratibhash Chattopadhyay et al.
Filed : February 23, 2006
TC/A.U. : 1615
Examiner : Casey Shea Hagopian

Title : METHOD AND APPARATUS FOR SUPERCRITICAL FLUID
ASSISTED PARTICLE PRODUCTION
Docket No. : FER-14669.001.001
Customer No. : 007609

DECLARATION UNDER 37 C.F.R. §1.132
OF PRATHIBASH CHATTOPADHYAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Prathibhash Chattopadhyay, declare and state that:

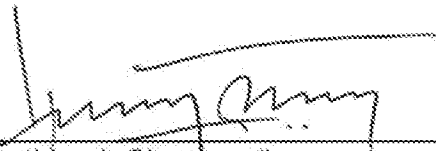
I am one of the co-inventors of the inventions claimed in U.S. Pat. 6,998,051 B2. The other co-inventors were Boris Y. Shekunov, Jeffrey S. Seitzinger and Robert W. Huff, all of whom worked for the assignee, Ferro Corporation, at the time the inventions disclosed and claimed in U.S. Pat. 6,998,051 B2 were made.

I am also one of the co-inventors of the inventions claimed in the present application. The other co-inventors were Boris Y. Shekunov and Jeffrey S. Seitzinger, but not Robert W. Huff.

The subject matter disclosed in U.S. Pat. 6,998, 051 B2 and relied upon by the Examiner in the Office Action mailed on July 9, 2010 in regard to the above-identified patent application was conceived of and/or invented by Prathibhash Chattopadhyay, Boris Y. Shekunov and Jeffrey S. Seitzinger (but not Robert W. Huff), and thus was not

an invention "by another" as required in order for the Examiner to cite U.S. Pat. 6,998,051 B2 as prior art against the present application under 35 U.S.C. §102(e).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Pratibhash Chattopadhyay

Dated: 12/01/10